

AUG 22 2008**1103326-0901****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Peter Nordberg
Serial No. : 10/561,199
Filed : December 19, 2005
For : Novel Imidazopyridine Compound II with
Therapeutic Effect
Examiner : Kadambi, Geeta
Group Art Unit : 4131

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

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Attn: Examiner Geeta Kadambi
Facsimile: 571-273-8300
Pages: 8 pages total

Declaration of Peter Nordberg
(Under 37 C.F.R. §1.132)

Sir:

I, Peter Nordberg, declare as follows:

1. I am a citizen of Sweden. I graduated in 1982 from Chalmers University of Technology with a Master of Science degree in Chemical Engineering.
2. The assignee of the referenced application is AstraZeneca AB. I am presently employed by AstraZeneca and my current position is Associate Principal Scientist. I have held this position since 2004. My curriculum vitae is attached to this Declaration as Exhibit A. A list of publications that I co-authored and patents of which I am a named inventor is attached as Exhibit B.

US\$N 10,561,199, filed December 19, 2005

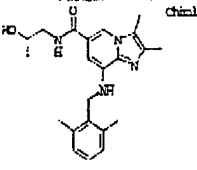
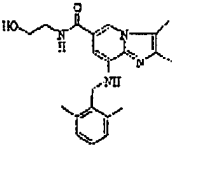
Attorney Docket No.: 110326-0901

Page 2 of 3

3. I have read and understood the referenced patent application. I am the named inventor and am familiar with the invention described and claimed in the referenced patent application.

4. I have been informed that the claimed invention has been rejected as being unpatentable over US 6,313,137 to Amin et al. ("Amin") on the grounds that it would have been obvious to make a similar salt having a similar therapeutic effect based on the disclosure provided by Amin.

5. In response to the prior art rejection, I conducted the following comparative study which supplements the dissolution data appearing at pages 17-18 of the application. Specifically, I compared the solubility, in fasted state simulated intestinal fluid (FaSSIF), of the claimed compound with the compound of Example 1.3 of Amin. The method followed the procedure disclosed on pages 17-18 of the application. The comparative data is summarized in the following table:

Structure	Compound	Solubility μM 1 h	Solubility μM 24 h	Solubility μM 24 h (base form)
	Present inv. (Mesylate salt)	279	218	48
	Example 1.3 of Amin (Mesylate salt)	19	17	13

6. The data demonstrates an unexpected and superior dissolution behavior of the claimed compound as compared to that of Example 1.3 of Amin. Specifically, the solubility of the base form and mesylate salt of the claimed invention, measured after 24 hours, was 48 $\mu\text{mol/l}$ and 218 $\mu\text{mol/l}$, respectively. In contrast, the solubility of the base form and mesylate salt of the compound of example 1.3 of Amin, measured after 24 hours, was 13 $\mu\text{mol/l}$ and 17 $\mu\text{mol/l}$, respectively. It is my opinion that the above biological test data demonstrates a superior unexpected result that is not suggested by Amin.

USSN 10,561,199, filed December 19, 2005

Attorney Docket No.: 110326-0901

Page 3 of 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated:

Peter Nordberg

USPN 10,561,199, filed December 19, 2005
Attorney Docket No.: 110326-0901
Page 3 of 3

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Dated: *August 18, 2008*



Peter Nordberg

EXHIBIT A

CURRICULUM VITAE

Family name:	Nordberg	
Given names:	Mats, <u>Peter</u>	
Date of birth:	March 9, 1958	
Citizenship:	Swedish	
Education:	Master of Science in Chemical Engineering Chalmers University of Technology	September 23, 1982
Previous positions:	Research Scientist Medicinal Chemistry AstraHässle AB	August 16, 1982
	Assoc. Principal Scientist Discovery Project Leader AstraZeneca AB	2002- 2003
Present position:	Assoc. Principal Scientist AstraZeneca AB	2004 -
Publications:	see separate paper	

Publications

Lindberg, Per; *Nordberg, Peter*; Alminger, Tomas; Braendstroem, Arne; Wallmark, Bjoern. The mechanism of action of the antiseecretory agent omeprazole. J. Med. Chem. (1986), 29(8), 1327-9. CODEN: JMCMAR ISSN:0022-2623. CAN 105:54396 AN 1986:454396 CAPLUS

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